

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETER A. TAYLOR,

Petitioner,

No. CIV S-04-0981 LKK KJM P

vs.

TOM L. CAREY,

Respondent.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 14, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fifteen days. Both parties have filed objections to the findings and recommendations.<sup>1</sup>


<sup>1</sup> In his objections to the findings and recommendations, respondent asks that the court not adopt the magistrate judge's ruling that the record be expanded in the manner requested by petitioner on May 31, 2005. Resp't's Objections at 14. Respondent's request is not properly brought before this court in objections to findings and recommendations. Requests for reconsideration of a ruling made by a magistrate judge must be made in accordance with local rule 72-303(b) & (c).

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
3 file, the court finds the findings and recommendations to be supported by the record and by  
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed March 14, 2006, are adopted in full;  
7 2. Respondent's June 27, 2005 motion to dismiss is granted in part and denied in  
8 part as follows:
- 9 A. Granted as to any claims arising from petitioner's 1994, 1996 and 1998  
10 parole hearings; and  
11 B. Denied in all other respects.
- 12 3. Respondent is directed to file an answer within sixty days from the date of this  
13 order.

14 DATED: September 28, 2006.

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17 LAWRENCE K. KARLTON  
18 SENIOR JUDGE  
19 UNITED STATES DISTRICT COURT  
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